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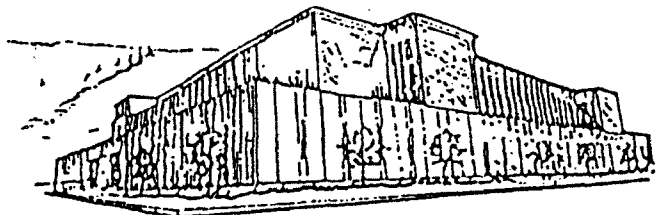
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College Mediation Programs: Design and Implementation

by

Heather E. Henderson

B.S. Northwestern University, 1992

presented in partial fulfillment of the requirements

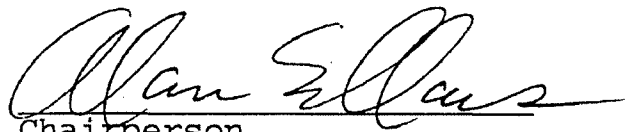
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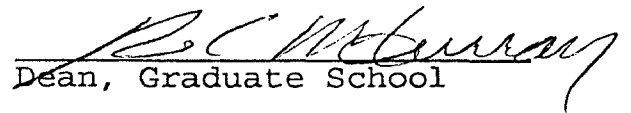
Master of Arts

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Mediation programs in the university setting have been rapidly expanding across the United States and Canada. This study examines twenty college mediation programs from the two countries through in-depth personal interviews with program directors and program administrators. The researcher examined the structure of the programs in terms of administration, case numbers and types, evaluation, and mediator training. In addition, the researcher examined program outcomes of growth, successes, challenges, and campus and community support of each program.

Themes regarding both program structure and outcomes were explored to determine various program designs as well as initial implementation and structural changes.

A program proposal for the University of Montana was developed incorporating the information from the present study and a pilot study.

ACKNOWLEDGEMENTS

For this project, I owe thanks to many people. First, to the people that participated in the interviews for both the pilot study and the follow-up. You all offered valuable information as well as interesting and thought-provoking insights. I wish you all the best with your mediation programs. For those participants at the University of Montana, I hope this will provide some guidance as well as further the efforts of many people already interested in the process of mediation.

Specifically, I would like to thank Barbara Hollmann for giving me the opportunity and support to develop the proposal. Your openness and honesty about the project was invaluable. To Al Sillars, my director, advisor, and mentor, thank you very much. Your guidance over the "rough spots" and patience with both my frustration and confusion helped me see the light at the end of tunnel as well as look forward to the future.

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Chapter 1

Conflict and Mediation Literature

Introduction

Alternative dispute resolution is growing in the microcosm of the university. Alternative dispute resolution and particularly, mediation are not a new developments, but in reality have been a part of some cultures for many generations. Cloke (1987) discusses the role of mediation in Chinese culture. In contrast to American statistics, China has only four or five thousand lawyers, but almost a million mediators. While factory (labor) mediation was not set up until the 1970's, village mediation committees were set up in the mid 1950's. Wall & Lynn (1993) found evidence of mediation's usage during the Ming dynasty (1368-1644) when village elders were "actively encouraged...to solve petty disputes within the community" (p. 161).

In America, mediation has been integrated into labor and business negotiations, international relations, and community disputes (e.g. Kressel & Pruitt, 1985; Roehl & Cook, 1985; Karambayya & Brett, 1989). The law profession incorporates many types of alternative dispute resolution, and nearly all law school programs include mediation skills and training as part of the curriculum. Individuals in communities across the country have become aware of mediation through victim-offender and community programs and/or peer-mediation programs at the elementary, middle,

and high school levels (e.g. Davis & Porter, 1984; Cameron & Dupuis, 1991; Wahrhaftig, 1986). University administrations have also explored alternative dispute resolution through ombudsmen programs, and since the late 1970's, formal mediation (Hayes & Balogh, 1990). Strangely though, the university communities have been slow to incorporate formal mediation services and training relative to the society at large. Beeler (1986) reported only 23 colleges and universities with mediation services. Rikfin (1991) reported that there were approximately 2,000 conflict resolution programs located in the 50 states, but only "more than 100 mediation programs on college campuses" (p. 2).

Groups such as the National Association for Mediation in Education (NAME) are having an impact on the development of college programs by compiling resources, lists, and handbooks for the university community. NAME was founded in 1984 by a small group of people interested in teaching conflict resolution skills to school children and as a result, NAME's membership has consisted mostly of elementary and secondary educators.

Within the last few years, NAME's membership has expanded to include a larger membership from the post-secondary level and as a result, some resources are being updated and revised as others are being developed. In 1993, ten people comprised NAME's first Committee on Higher Education. Editor of "The Fourth R", Gillian Krajewski,

writes about the growth of college mediation programs. ---

Mediation programs in university and college communities are spreading rapidly. While an accurate count is difficult to obtain, hundreds of universities and colleges in North American have created mediation programs as a response to escalating on-campus conflict. As success stories describing the benefits of mediation programs continue to spread, it is likely that more and more campuses will explore and implement such programs (p. 36).

Conflict and Alternative Dispute Resolution

Mediation as a form of alternative dispute resolution has developed out of the assumptions that conflict is inevitable and resolvable (Wilmot, 1994). Hocker & Wilmot (1989) define conflict as an expressed struggle between two or more interdependent parties who perceive incompatible goals, scarce resources, and interference from the other parties in achieving their goals. The overt expressions include shouting, threatening, or building coalitions among others, while covert expressions may include passive resistance or aggression, avoidance, or silence. Goals are considered incompatible when one person's goal attainment limits or prohibits another's goal attainment because the resources are limited.

Montgomery (1989) describes incompatible goals as conflicts of interests when "two people have interests to

advance and these interests cannot be advanced together" (p. 35). Montgomery also asserts that conflict can be rational or irrational and stems from "the need for emotional release rather than from a desire to move toward a recognized goal" (p. 36). In his discussion of conflict in families, Montgomery emphasizes that the definition of conflict also includes attempts to manage or resolve the expression of the conflict (p. 36).

Folberg & Taylor (1984) discuss conflict resolution processes beginning with the process of adjudication and arbitration. Adjudication is the legal process of settling disputes where disputants are represented by lawyers. The representatives are responsible for presenting the dispute to the unbiased third party, or judge. The judge represents the court or formal institution. In adjudication, generally only content issues are resolved. Both procedural and relational issues are excluded. The dispute is presented in a formal, public setting. In adjudication processes, the decision is binding and can only be presented to a higher authority for re-evaluation.

Adjudication is based on laws and statutes and therefore conforms to social norms and policies but does not necessarily consider the norms or needs of the specific relationship. Adjudication is both time-consuming and expensive while parties often report that they are dissatisfied with the results.

Arbitration is similar to adjudication in many ways except the process is less formal and more private than adjudication. In arbitration, the disputants represent themselves before an impartial third party usually selected by the parties themselves. The arbitrator weighs the arguments and makes a decision while usually maintaining a focus on the content issues rather than the procedural or relational issues. Parties are generally more satisfied with arbitration than adjudication since they have more control over the process through presentation of the cases and selection of the arbitrator.

Negotiation, according to Folberg & Taylor (1984) "is the most pervasive and diverse approach to dispute resolution" (p. 30). The process often includes representatives such as attorneys who bargain for the exchange of resources. There are two views of negotiation. The first views the process as a no-win or zero-sum game where fulfillment of one party's goals prohibits fulfillment of the other party's goals. More recent views of negotiation include a more win-win orientation making this type of negotiation similar to the mediation process. Fisher and Ury (1983) encourage negotiation where parties separate the person from the issues of conflict, create options where both parties "win", and focus on interests rather than positions.

The process of mediation is very similar to Fisher and Ury's approach to negotiation. According to Moore (1986), mediation is

the intervention into a dispute or negotiation by an acceptable, impartial, and neutral third party who has no authoritative decision-making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute (p. 14).

Folberg and Taylor (1984) assert that the difference between win-win negotiation and mediation is the emphasis on the participants' own responsibility for the outcome and agreement. In mediation, the participants are assisted by the third party as he or she facilitates discussion, uncovers issues, and assists in reaching agreement. The process is private and informal, participation is fully voluntary, and the parties in dispute have a great deal of control in the process and outcomes. The disputants decide when an agreement is acceptable.

Mediation tends to be more responsive to the uniqueness of a dispute, the parties involved, and the context and culture (Wall & Lynn, 1993). Parties tend to be more satisfied with the process of mediation as a whole in comparison to adjudication or arbitration. Kressel and Pruitt (1989) estimate that the settlement rate is 60% across all areas of mediation. Wall and Lynn (1993) discuss

research that indicates mediation "prevents future conflicts as it solves current ones" (p. 171). Skratek (1987) found that mediated grievances "were resolved 27.6 days faster than grievances that were resolved through arbitration only" (p. 47); "the amount of time expended in preparation activities was considerably less for mediation than arbitration" (p. 49); and "the participants in a mediation conference are satisfied with the procedural aspects of that process" (p. 55).

Mediation in a Changing Society and the University

Modern conflicts often include as many emotional issues as they do content or procedural issues. Conflicts involving close personal relationships such as marriage or topics such as prejudice or racism, have clearly emotional aspects. Mediation is one form of dispute resolution which addresses these personal aspects.

As issues of diversity are more salient than ever before, people must have the tools available to manage conflict differently. According to Yarbrough and Wilmot (1995) in their guide for the mediating manager, "the modern workplace is increasingly faced with rapid change--more diversity, limited resources and inevitable clashes over values. The future brings even more change and conflict" (p. 2). This is true for the greater society as well as the management community. The changing diversity, limited resources, and population growth of modern society demands

that people, whether they are co-workers, neighbors, roommates, political adversaries, or family members possess mediation skills in order to resolve disputes. As a microcosm of the greater society, the university experiences similar issues and must be responsive to the changes. According to Rule (1993), this is only one of two arguments for integrating mediation into the university setting. The other argument is that "campuses often have a higher level of community conflict than outside society, precipitated by close student contact and intense introspection on societal issues" (p. 31).

Girard, Rifkin, and Townley (1985) examine need for university mediation programs. They propose that students learn how to manage conflict from both their peers and the institution.

Since few 18 year olds have developed good conflict resolution skills, using each other as models of how to manage and solve conflicts is often ineffective. As a result, the ways an institution handles conflict must serve not only to maintain rules and order, but also to teach conflict resolution (p. 20).

In addition, mediation serves staff and administrators by providing resources for handling conflicts which are brought to them. Administrators benefit from mediation in four ways:

1. Mediation actively advances the educational

mission of the institution.

2. Mediation, because it is most often faster and less expensive than the alternatives, uses staff time efficiently.
3. For the same reasons, mediation also allows administrators to use their own time effectively.
4. Mediation serves to maintain good relationships among individuals, groups on campus, and the surrounding community.

In addition, "mediation also contributes to the achievement of two goals held by most administrators: the **internal resolution** of conflicts and the **retention** of students" (Girard, Rifkin, & Townley, 1985, p. 25). In his examination of faculty-faculty disputes, Doelker (1989) argues that since universities are "as prone to conflict as all other human organizations, it is imperative that academia practice what it purports to teach in the area of conflict resolution" (p. 158). Universities have included judicial processes, legal services, and judicial boards for many years. These processes have taught a form of conflict resolution but do not necessarily provide all the necessary skills to manage conflict.

In the larger society, the courts are filled to overflowing, judges are demanding alternatives to litigation, and parties often report dissatisfaction with existing services. Similar complaints are heard on college

campuses. Existing services on campuses are not designed to address issues of a personal nature. The existing processes also do not teach many of the conflict resolution skills which students as well as faculty, staff, and administrators need for daily interactions.

According to many authors, conflict is positive when it increases creativity, understanding, and respect. The current dissatisfaction at both the societal and university levels suggests that processes such as adjudication and judicial processes are not creating positive conflict management. Universities deal with a cross-section of the larger society, especially with the increase of racial, ethnic, and cultural diversity, and non-traditional or returning students. As a result, mediation is both a natural and a necessary component of the university community.

University Mediation Models

Few prototypes for college mediation programs exist due to very little research in the area. This though, is a positive finding rather than a pessimistic outlook for program development. While some university programs have been based on community mediation programs, many directors recognize the need to develop a program which is unique to the culture and needs of the individual university. The following section examines various models that exist for university mediation programs such as community mediation

programs and guide books for developing programs.

McCorkle and Kaufman (1994) in a national survey of campus mediation programs concluded that college programs could be grouped into three general areas. The first area is internal service for students, faculty, and staff. The second area consists of programs developed by law schools as a part of the training and education of future attorneys. The last group of mediation programs is characterized by an off-campus focus. These programs provide conflict resolution services to populations other than students, faculty, and staff.

The findings in this study support McCorkle and Kaufman's (1994) conclusions and also suggests that existing program models can be categorized into three different foci based on the primary goals of the programs: (1) research and theory development, (2) service, and (3) programs responsive to a particular population or issue. Many programs include aspects of all three of these categories such as the University of Missouri-Columbia's Center for the Study of Dispute Resolution. The center's 1990 - 1992 Activity Report, includes descriptions of legal education, community service, continuing education, interdisciplinary activities, and research and publication. The following descriptions should be considered as prototypes but not necessarily mutually exclusive categories.

Research and Theory Development Programs

While many programs include an aspect of research in their mission, a few define the mission primarily in terms of research and theory development. The University of Tennessee at Knoxville is one example. In the first year, the organizers of Tennessee's program focused on service for area schools and within the university. As the surrounding community developed service resources, the program's focus evolved toward research and theory development. According to the Research Director of Tennessee's program, research is critical for long term credibility within the university system. As the need to provide services is met through community resources, the conflict resolution program continues to integrate theories and concepts of mediation into multiple areas of curriculum. Every project whether it is training, service, or education includes a research aspect to determine strengths and weaknesses for long term impact.

George Mason University is another example of a program committed to research and study. At George Mason University, mediation is a course of study rather than a service provider. While the program's graduate students may provide services, it is generally considered a part of their study and research, rather than being merely a university service.

Service Oriented Programs

A second group of college mediation programs can be categorized by the goal of service delivery. Every program except one examined for this study included service delivery as part of the programs' missions. Some programs provided services to the university population only while other programs served both the university and the greater community. Many programs work closely with teachers and administrators at the elementary and high school levels to develop and sustain peer-mediation programs.

University of North Dakota's Conflict Resolution Center serves as a model of a service-oriented program which benefits both the UND campus and the larger geographical area of North Dakota. Services provided through the Conflict Resolution Center include five areas: mediation, presentations, consultations, group facilitation, and workshop and seminars. The center works to identify and serve revenue-generating populations such as the legal profession, family mediation, and property disputes. In addition to off-campus services, the center makes its services available to the North Dakota University System through lecture sessions, potential training for administrative staff and faculty, and campus projects (Annual Report, 1993).

University of Oregon's Mediation Program is another example of a service oriented program. The

mediator/director's principle areas of responsibility --
include provision of:

- mediation to students, student groups, faculty, staff,
and departments,
- consultation regarding conflict management strategies,
- counseling and referral,
- facilitation services,
- mediation training for campus groups and individuals,
- academic courses and educational presentations,
- internships.

In the 1994-1995 budget request, the two main goals of
the Oregon program were:

to provide direct assistance for individuals, groups,
and the institution in the productive management and
resolution of conflict (p. 6),

and secondly,

to increase individual and institutional awareness and
appreciation of alternate (non-adversarial) dispute
resolution methods such as mediation, and to increase
mastery of conflict management skills (p. 7).

Programs Responsive to a Particular Population or Issue

There are many other programs which can be
categorized into service-provision, while some of these
same programs can be grouped by the fact that they are
designed to target a specific population or issue. The

most recent growth in this group is the development of programs designed to achieve resolution of disputes involving diversity issues. At Ohio State University, a pilot program was developed in the past year to provide services from the ombudsman office for conflicts between students when issues of diversity were involved.

Brigham Young University Off-Campus Housing Office provides mediation and arbitration services for students and landlords or roommates. Mediation services are only available for disputes involving housing and roommates. Brigham Young University off-campus housing must be approved before it qualifies as student housing. As a result, both BYU students and landlord must sign a university contract. The rental contracts contain a clause that:

requires the landlord of university-approved housing and the BYU student-tenant to make a good-faith effort to mediate any controversies through BYU housing before proceeding to arbitration (BYU, front cover).

Chapter 2

Examining College Mediation Programs:

Design and Implementation

Introduction

While college mediation programs are growing rapidly, written resources for developing programs are not as plentiful as expected. Much information is spread through an informal network of faculty, administrators, staff and university students. The written resources, mediation literature, and personal interviews gathered during this project were integrated to propose effective mediation practices on the university campus.

The objectives of the study were to examine how various programs were structured in terms of types of cases, administration, mediator training, and evaluation. Once the structures of the programs were understood, the outcomes of the programs were surveyed. In terms of outcomes, program growth, mediator effectiveness, program support, successes and challenges were appraised. The next objective was to examine the relationships between program structure and outcomes.

Method

Subjects

To examine existing campus mediation programs, a series of interviews were conducted with officials from twenty American and Canadian universities. The interviews were

conducted with directors, administrators, or key personnel from the realm of mediation services of each university.

A list of campus mediation programs, centers, or services was derived from a variety of sources. One list of names was obtained from the director of the Mediation Program at the University of Oregon. Another list of names was obtained from the National Association for Mediation in Education (NAME) Directory of Members. Other names of programs and directors were obtained through conversations with mediators and university educators as well as "The Fourth R", the newsletter of NAME. The university and college programs were selected for interviews based on varied demographics such as enrollment, regional area, and length of existence. Thirteen of the schools interviewed had enrollments of less than 20,000 students (total enrollment) and seven of the schools had enrollments of 20,000 or more students. The selected programs represented seven regional areas including the northwest, southwest, north-central, south-central, northeast, southeast, and Canada, with at least two programs from each area. With the sudden rise in the number of college mediation programs, a disproportionate number of schools selected for interviews were described as new programs. Eleven programs were within the first year of service.

One interview was incomplete due to the nature of the program; no mediation services were provided by the academic

program. Another data gathering was completed from written sources (budget requests, program proposal, program evaluation).

Procedure

The interviews were conducted by telephone and lasted from twenty-five minutes to nearly one hour. The purpose of the interviews were to determine how colleges and universities design and implement mediation programs or services. To this end, a series of questions were asked about services provided, populations served, administration, funding, successes, and challenges. While the interviewer followed a interview schedule, many questions were open ended and the interviewer encouraged topics which might not have been covered directly (See appendix C).

As mediation continues to expand into the realm of academics, several questions arise regarding the types of services and target populations. During a pilot study conducted at the University of Montana, there were several approaches recommended for initiating a mediation program. The director of a large program in the midwest had observed that a successful program (i.e. long-term, university integrated) had to be initiated by the university administration. This top-down model was not recommended by an administrator at another university. Instead, in their experience, a successful program had to be supported by the student body through both finances and service support.

To further examine methods of administration and service, the interviews contained a series of questions regarding services provided by each university or college. With the information gained during the interviews, the following areas could be examined.

1. Services provided: to whom, types of cases, support by various populations.
2. Effectiveness: of programs, mediators, services provided.
3. Successes: qualitative evaluations of program success.
4. Challenges: qualitative evaluations of program difficulty.

Questions regarding mediator selection, training, and effectiveness, and program effectiveness, successes, and challenges were examined qualitatively to determine patterns and themes.

Results and Discussion

The initial objective of the study was to examine structural aspects of existing mediation programs. Case type and number, administration, service populations, mediator populations, mediator selection and training were included as structural aspects.

The first area examined the number of disputes handled by each program and types of disputes mediated. Ten schools reported that the average number of cases referred to

mediation services was 25 or more per semester. Seven - - schools averaged 14 or less per semester while three schools did not report the number of cases referred to mediation services.

The types of cases mediated varied with each individual program. The majority of programs handled a wide variety of disputes such as academic subjects, sexual harassment, personal, and workplace. Programs designed for specific targets were more precise in the types of cases mediated (e.g. diversity issues or landlord-tenant).

In several interviews, respondents were unable to accurately report types of cases mediated; they responded that they would handle almost any type of case depending on the circumstances, parties involved and alternative services available on the campus. For example, some respondents reported that they would mediate academic disputes such as grade disputes when there was not another source on campus to handle grade disputes.

Other structural areas examined in the study involved the staff, mediator selection and training, and mediator and program evaluation. Eleven of the interviewees reported that student services administered the mediation services. Two programs were described as academic departments; two were administered by human resources; and the rest of the programs were administered by the president's or chancellor's office, housing or residential life, and the

ombudsmen office.

There were no significant trends in mediator populations. Some programs trained faculty, administrators, students, and community members as mediators while other programs included only students or administrators as mediators.

Three interviewees described a quota system where selection was based on an attempt to ensure diversity of race, sex, position, and age. Two of these three programs were designed to address issues of diversity.

Training for mediators varied across the programs, ranging from self-education to lengthy courses and observation hours. Fourteen interviewees reported that their program's mediator training was done on campus. Four reported that training was done by an outside group; one school used both on and off campus training. One program did no formal training for mediators. The most extensive training described for the study usually consisted of an exam or extensive interview, several hours of training (20-50 hours), formal follow-up sessions or continuing education activities. Eleven programs included training programs similar to this. Four other programs' mediation staff consisted of law students who had taken courses in alternative dispute resolution.

Fourteen programs described follow-up procedures. While two were revising or developing more formal follow-up,

the other twelve described a formalized process ranging from five to twenty-four hours of in-service/continuing education. During the in-service sessions, mediators might hear speakers on specific topics, conduct role play and review skills learned at the initial training, and/or debrief one another. Since the majority of programs in the study used a co-mediator model, debriefing was common. In two cases, the director attempted to sit in at every mediation session with the two mediators. Following each session, the directors would talk with the mediators about the session. In those programs where the director did not sit in on sessions, mediators were expected to debrief one another by providing encouragement and constructive criticism.

Program and mediator evaluation has been a subject raised by many researchers as well as program directors. O'Doherty (1989), examined community mediation programs and concluded that mediation in the community is "emerging out of the 'forming' phase of development, when all is hope and prophecy..." (p. 9). Campus mediation is still within the forming stage and faces the danger that "the field makes claims based on enthusiasm and faith which may lose power if hard data on effectiveness are not forthcoming" (p. 9).

In this study, evaluation was often described as a continuous, informal process and often occurred during follow-up sessions or debriefings after mediation sessions.

In some cases though, evaluation was a formal annual or semi-annual procedure.

Twelve schools were in the process of developing evaluation tools or currently engaged in evaluation practices. Four of the schools which did not evaluate at the time of the study (n=8) were new programs and two were no longer doing formal mediation. The most common form of evaluation incorporated qualitative methods (n=8). Most often, the data for evaluation came from feedback forms presented to the parties after the mediation sessions. Other forms of feedback came from complaints or recommendations from disputants (not necessarily in the form of a questionnaire). Two schools qualitatively evaluated progress by comparing activities to standards outlined at the start of each year. Other types of qualitative evaluation included "informal follow up with mediators," "informal networks" (comments from the university community; not necessarily from disputants), and examinations by the state bar association and advisory board.

Three schools reported the use of statistics to evaluate program effectiveness. Two of these schools measured usage and resolutions. The third school also measured usage and resolution but included a public survey as part of the evaluation. In the survey, respondents were asked if they would be willing to pay a \$1 fee for the mediation program.

In general, program and mediator evaluation was not as well defined as other structural elements although education and experience was an important consideration when program representatives discussed mediator evaluation. Several interviewees addressed education and experience opportunities in the discussion of program evaluation (n=3); program representatives reported that one of the ways they evaluated the programs and mediators was if the mediator developed new skills and utilized the skills in their personal disputes.

As O'Doherty (1989) proposes, these programs as with other mediation programs in the forming phase may soon face difficulties with credibility within the university community especially funding sources if program administrators are not able to provide "hard data" on effectiveness. O'Doherty (1989) also notes that,

Better evaluation will demand (a) the objectivity and professional detachment of outside rather than inside evaluators, and (b) better and varied methodological skills in any evaluation that is done...Program directors, concerned with program survival, may be content with simple measures of client satisfaction and number of cases settled. This kind of data, however, may no longer reassure funding organizations that programs are 'successful' (p. 19).

The study also examined program outcomes such as program growth, campus and community support, successes and challenges. Several programs were not able to evaluate the change in the number of cases since they were within the first year of service (n=6). Of the programs which provided services and had evaluated case growth, seven programs described an increase in the number of cases. Three of these programs described an increase of 2 to 5 times since the initiation. These three programs were at least two years old.

Four other programs reported a significant increase in the number of cases referred to the office, but no percentages of growth were available. The most common response was that the number of cases increased as awareness of the program increased (either through formal publicity or informal networks). Three schools reported no change in the number of cases received, and two reported a decrease. The programs which experienced a decrease attributed it to either relocation of the services or informal sources handling disputes following a large recruitment for mediation training.

Campus support was measured by the question: how would you describe the overall support of the mediation services in terms of each of the following groups? Interviewees were then asked to describe administrative, community, faculty, and student support. The responses were on a range from

unaware to strongly supportive.

Administrative support was generally divided into comments about upper administration and middle administration (staff, department supervisors). Upper administration was described as supportive by nine interviewees. Five interviewees felt that their programs could be better supported by the upper administration: "Upper administration could be better. Student Affairs doesn't know what it's all about." "[Administration] is not very supportive." "[Administration] is unaware except student life."

Middle administration's support was also mixed. One interviewee described "turf battles" when characterizing middle administration's support. Other programs were supported by staff who "would like to see [mediation] integrated into grievance procedures." While all the responses were mixed, there did not seem to be any significant themes regarding why one school's administration was supportive while another was aware or unsupportive.

Community support was more definitive; when programs had contact with the community, the community was supportive. Nine schools had ties with the community and reported that "the community tie is strongly valued," "we are called to speak to probably every community group," and "community support is very strong," and "the community would like more neighborhood involvement." Other programs were

tied to the community through training; "we share resources with the community because it is low on money," "a [center trained] residential assistant trained the grade schools."

There was a similar theme with the student population; if students were aware of the program (or targeted by the program), they were supportive. Sixteen schools provided services to students (one interviewee could not anticipate student support, two did not provide student services, and one interviewee did not answer). Comments about student support were generally positive: "[Student support] is really high," "Very good. Student government offered funding." "Positive, particularly with students of color. It is an arena where women and students of color can have an impact." "Very supportive."

Some comments mentioned that not all students were aware of the program or mediation in general. "When [students] are aware, they are supportive, but too often the dispute has gone beyond the mediation stage. Student want the center to "fix" it." "Lots of seeds planted from the philosophy course [in mediation], but students are generally ignorant of the program." "[Students] are supportive to the extent they've had the opportunity." Only one interviewee described student support as moderate.

The last questions included in the study asked program representatives to discuss the successes and challenges of their programs. Eighteen interviewees responded to a

question that asked about ways the program had been successful. The responses were categorized into six themes: 1) links to the community, 2) resolutions, 3) awareness of alternative dispute resolution methods, 4) integration, 5) effects on program participants, 6) other. (Interviewees often provided more than one response.)

Interviewees described their programs' ties to the community as successes of the programs. They commented that programs were successful because the administrators worked to maintain community ties, to serve the community, to assist in the development of peer mediation programs in public education institutes, and to serve as regional and community model.

Several interviewees described the number or types of resolutions reached through the program. The comments included "successful resolutions," "resolved disputes," "peaceful resolution without bitterness which wouldn't otherwise have been resolved" and "provides an avenue for intervention without escalation."

The category of alternatives includes both people's awareness of alternative dispute resolution methods and ways to deal with disputes which had not been previously addressed in the university setting. Interviewees stated that their programs were successful because they "proved broad definitions of conflict management so we can meet more needs." "[The mediation program] created awareness of

alternatives in this 'Judge Wapner age'." Several interviewees commented about the development of skills related to ADR. For example, "[The program] created awareness of conflict management without calling it mediation." One interviewee specifically commented on mediation as an alternative for disputes involving sensitive issues. "[The program] deals with cultural, religious, and gender difficulties."

The category of integration describes how well the programs are integrated into campus life. Several comments describing integration included references to the number of people using the services or the number of cases: "number of people using it," and "fewer judicial cases." Other comments related to training of university members and specific groups and integrating ADR into the curriculum. The programs also served as a referral source, a well-established and formally institutionalized system, and a system which relieves staff of conflicts by putting them in another arena.

The interviewees who stressed learning and empowerment through mediation also commented on the positive effects of the programs on participants (both mediators and disputants). Several comments mentioned education specifically. "[The program] educates by providing a model to deal with issues." "It provides a learning experience," " It provides applied research experience." Other comments

described effects related to the ability to use skills and reach resolution. "[It] relieves stress and pressure so resolution can occur." "Parties develop more objective ideas of what's happened." "Mediators take it home." "It empowers students [so they feel able to reach resolution]."

One comment described success as accomplishment of the strategic plan.

Following the question about program success, interviewees were asked about the biggest challenge the program faced (See Table 3, Appendix). The responses were grouped into six categories: 1) resources, 2) awareness and usage, 3) integration and university community acceptance, 4) maintenance, 5) concerns after resolution, and 6) no challenges.

All seven interviewees that described the lack of resources as the greatest challenge facing their programs, mentioned the lack of funding or money to carry out activities. Time was another significant resource which posed a challenge, such as time away from other responsibilities to do mediation or direct programming. Other comments were related to space and personnel resources.

Interviewees described challenges related to "getting the word out" and "education" as to the objectives of and services provided by the programs. One interviewee reported that there was more interest in "being trained than using

the services." This interviewee's comment was similar to another's comment that a challenge was "getting cases."

One challenge described by the interviewees involved acceptance by a specific campus group: "expansion into the faculty realm" and "credibility with the Dean of Student Affairs," "lack of understanding by upper administration regarding what could be accomplished by mediation." The other comments related to integration: "integrating into the existing conflict resolution processes," and "starting up...there was lots of concerned discussion."

While several people described integration and acceptance as a challenge, people also described troubles keeping up with the demand while maintaining quality. One interviewee stated that it was a challenge to remain focused and prioritize demands. On the other hand though, one interviewee stated that it was a challenge to maintain interest in the program and another stated that it was difficult to keep volunteers sufficiently utilized. Finally, one interviewee commented that the greatest challenge to the program was the "tendency to get lumped into the community service-learning movement" instead of maintaining a separate identity.

Only two interviewees commented on challenges regarding legal concerns and enforcement questions. One program's director was challenged by the question, is the university liable if the disputants go to court? The other program

administrator's challenge was raised by the university administration. The university administration wanted to know how mediation services could ensure enforcement.

One school reported no challenges because the mediation program was no longer providing services.

Throughout this study several themes emerged regarding campus mediation. As of yet, there is no standard by which to evaluate college mediation programs. Because of the nature of mediation including characteristics of flexibility and innovation, it is unlikely to see the emergence of a standard program in any time in the near future.

A few program representatives stated that their programs had been modeled after recommendations from the National Association for Mediation in Education publications, Peaceful Persuasion: A Guide to Creating Mediation Dispute Resolution Programs on College Campuses and The Planning and Design of a Student-Centered Collegiate Conflict Management System. Even within these two guides, the standard mediation program is based on needs of the individual campus and the existing resources, culture, and financial support.

With this said, there are some consistent themes about the programs examined in this study. The program structure (administration, mediator population, service population, and mediator training) affected program growth and support to an extent.

Campus support seemed to be affected by the population that received service from the program or the populations which provided mediators. For example in programs where faculty were trained as mediators, faculty support was reported as better than those programs which did not include mediators from the faculty population. Eleven programs include faculty mediators, but faculty had the lowest mean number of mediators compared to administration/staff, undergraduate students, graduate students, and others. Faculty support was most often described in negative terms compared with comments about the other populations. There were five negative descriptions of faculty support compared with three negative descriptions of administrative support and no negative comments regarding student or community support. The non-supportive comments about the faculty population included an element of suspicion: "[They] haven't bought into it yet." "[They] see it as taking power away from them." "[There are] turf battles," and "The faculty is skeptical."

The strongest overall support (combining all populations) was mentioned by administrators of new mediation programs. This could be accounted for by the initial enthusiasm of both program participants and the campus community. Also, advertising and support gathered during brainstorming sessions with various campus groups could explain some of the initial awareness and enthusiasm.

Program evaluation raises many questions. While eleven programs in this study did incorporate some form of evaluation, most evaluation practices were not formalized or consistent. As with many programs and departments on the university campus, mediation programs must be able to persuade administrators and other funding sources that the services are beneficial and necessary. To establish this, program administrators must develop more formalized means of evaluating their programs. This discussion will not address whether the evaluations should be statistical summaries, qualitative reports, or combinations. This should be decided by the program administrators and their university community.

Limitations to the Study

There are many limitations to a study such as this. While the interviews with directors or program administrators provided a wealth of information, many responses were perceptions of other groups' impressions of mediation services. Future studies should examine other populations' perceptions. For example, it would be useful to speak to students, administrators and faculty members to survey their awareness and perceptions of mediation services.

Another limitation to this study is the sample size and overabundance of new programs. With only twenty programs which were selected based on diversity, it is difficult to

assess patterns. While there are tentative hypotheses about how structure affects outcomes, further study is required to support these hypotheses. In addition, one half of the programs in the study were within the first year of existence. As a result, it was difficult to predict trends or themes regarding how structure affects outcomes. Future studies could examine these programs after several years to examine support and growth.

The objective of the study was to examine ways to design and implement college mediation programs. From the data collected, it can be hypothesized that programs are designed and implemented based on the following factors. First, programs are sensitive to the culture and needs of each university. A predetermined model can not address each university's needs. Second, program success is related to university awareness and support from at least one significant university population.

Chapter 3

A Mediation Program for The University of Montana

Introduction

A pilot study was conducted at the University of Montana consisting of twenty-six interviews with faculty, administration, and students at the University of Montana. In addition, the pilot study incorporated information gained from active mediators and conflict resolution directors from other universities. A second study consisted of interviews with directors and administrators of twenty American and Canadian universities.

In the initial study, the interviewees were given a brief description of the process of mediation and examples of existing mediation programs. Each person from the University of Montana was then asked about the need for such programs and suggestions. For people with experience in mediation and conflict resolution programs, the interviewer asked for more specific information about beginning, funding, and regulating campus programs. The second study included more specific information regarding program structures, design, and implementation.

The proposal is based on both models from other universities and information gained during personal interviews with various people and departments at The University of Montana. The needs and suggestions regarding a mediation program were developed from these interviews and

interviews with mediation directors at other universities.

A mediation program would not replace existing services or procedures but strengthen them through an interactive program. The mediation process would add structure to informal meetings during grievance procedures, provide training to departments, offices, and individuals, accept referrals from other groups, and refer to other groups.

Mediation training and service would be available to students, staff, and faculty members. Training would include workshops, and service would include mediation for parties in dispute. A director and several trained volunteers from the university community would be responsible for providing both mediation services and training workshops.

While the program would receive funding from both student groups and the university budgeting process, it would not be an advocate nor a representative for any specific group.

The mission of colleges and universities is to teach and provide new knowledge. In an attempt to teach and expand knowledge, there are often conflicts between members and groups within the community. The use of mediation preserves academic freedom since the individuals or groups in the dispute are able to address and direct the resolution. The alternative would be to establish uniform policies which would not address each dispute individually.

Also, since universities and colleges are committed to teaching, they provide an excellent setting to explore alternative dispute resolution processes and further the understanding of conflict management.

Perhaps the most important point is that mediation offers individuals the opportunity to understand and manage conflict more effectively, and provide individuals with an opportunity to work with the "personal" components of conflict.

There are two points to stress in the discussion about a mediation program for the university setting and the University of Montana in particular. First, mediation is based on the idea that the process is voluntary. All parties in dispute must agree to accept the services of a mediator. One party cannot be forced into the process at the request of another. The importance of this point was understood during campus-wide interviews conducted prior to this proposal. Interviewees from the campus community, the mediation community (professional mediators), and other universities stressed the importance of a voluntary program.

Second, in keeping with the voluntary nature of mediation, it is important to recognize that a campus, or a significant campus population, must voluntarily accept a mediation program. For success, the program must be endorsed by at least one campus group whether it is a research based academic program or a student service

program.

Mediation Program Models

Two mediation programs served as models for the University of Montana's Mediation Program Proposal: the University of Oregon's Mediation Program and the University of Minnesota's Conflict and Change Center.

University of Oregon

The University of Oregon's Mediation Program is student oriented and is jointly funded by the student body and the University of Oregon's administration and is student-oriented. The program focuses on two objectives. It provides direct mediation services to disputing parties of which one party consists of student(s) or student groups. In addition, the program provides training and instruction in communication and conflict skills to campus individuals or groups.

The program's director is responsible for developing and presenting the training workshops and instruction as well as mediating disputes. The director also supervises and trains the program interns who participate as mediators. There are approximately twelve workshops and one conflict management graduate course presented each year (based on 1991 figures). The program's staff consists of one full-time director and an administrative assistant shared with the office of the Dean of Students.

University of Minnesota

University of Minnesota's Conflict & Change Center shares similar objectives with respect to service and training. The program differs in terms of who it serves and trains. All mediation services are available to faculty, administration, and staff persons. Mediation serves as a preliminary step in The University of Minnesota's grievance procedures. The program is designed to be interactive with the existing procedures and serves to avoid costly grievance procedures.

The director conducts workshops for the university staff and administration, conducts training programs, and supervises volunteer mediators. These volunteers are selected participants from the mediation training workshops. Approximately 70% of the participants are accepted as volunteer mediators (based on information from phone interview, July, 1993). Other staff positions include a part-time administrative assistant, two graduate assistants, and sixteen volunteers (based on 1991 figures).

Although these two programs are not necessarily unique in their missions or objectives, they offer clear examples of two different types of mediation programs that currently exist. Programs such as these serve as model systems for The University of Montana.

Needs Assessment

The University of Montana community also seems to be

aware of the benefits of communication and understanding. Student leaders, department heads, supervisors, administrators, and group representatives have expressed an interest in promoting conflict resolution as well as understanding of conflict. In addition, many of these people also "practice what they preach". Almost everyone interviewed had engaged in informal conflict resolution steps. The steps included everything from collecting background information regarding a dispute to meeting with the disputants individually or collectively.

The staff and faculty work diligently to resolve grievances and complaints at the lowest level possible, and the University of Montana has several forms of dispute resolution to assist the members in this goal. At the same time, there are several areas of the university community that would benefit from a mediation program, and there are several reasons to implement a mediation program at the University of Montana.

People who find themselves involved in a dispute are unaware of mediation as a form of alternative dispute resolution. These people may be involved in the dispute directly or indirectly. The need for a mediation program exists because these disputes often are not resolvable by existing grievance procedures. When people are unaware of alternative dispute resolution processes, the conflict often remains unresolved or may be escalated by formal grievance

procedures and administrative actions or avoidance. It is often possible with alternative dispute resolution methods to resolve a dispute before it escalates and to diffuse future disputes by preserving the relationship between the parties and establishing guidelines for future interactions.

The second need is related to the previous concern. While there are very specific grievance procedures for situations such as harassment, discrimination, contracts, and student conduct, there is not an opportunity for all types of disputes to be resolved. Thus, procedural grievance processes do not apply to many important instances of conflict.

Existing university grievance procedures call for disputing parties to meet to discuss and attempt to resolve the conflict. No guidelines currently exist to assist the parties in this meeting. Mediation training for the parties who assist at this meeting would be beneficial. In addition, mediation services could also benefit parties in dispute at this meeting. Often parties are so angry or frustrated by the time they mention a grievance, that they are unable to verbalize or recognize issues surrounding a dispute. Mediation skills would assist parties at an initial meeting to both recognize and verbalize the issues and reach agreement.

Mediation is generally stated as the initial step in grievance procedures. As a result, the people that are

asked to mediate initially later serve as a formal part of the grievance procedure. There are several problems with this because the roles of mediator and later arbitrator are in conflict. The goal of a mediator is to avoid passing judgement on the parties. The arbitrator serves as the "judge" and final decision maker. It is difficult and unfair to ask a person to remain unbiased then issue a judgement when serving as arbitrator. Further, the mediator role is compromised when the person knows that he or she may be asked to later judge the parties' dispute.

Not only is it difficult for the mediator/arbitrator, but it is also difficult for the disputants. Mediation requires openness and trust of both parties. When parties are aware that the mediator will also serve as the arbitrator, the trust and openness is threatened. There is a distinct possibility that parties will focus more on presenting their position as "right" instead of focusing on resolving the conflict.

Development of a mediation program would resolve this problem for both the arbitrator and the disputing parties. A mediator would be available to assist parties at an initial meeting. If the mediation was unsuccessful, the mediator would not be involved in further grievance procedures.

Outside the realm of grievance procedures, many people are asked to serve as mediators. These people would

appreciate training for themselves or their staff. In addition, these people could often serve as volunteers for the mediation program. Four interviewees explained that they are often called upon to help people in disputes. They described their roles as those of mediator. During the proposals interviews, people mentioned two reasons they would appreciate dispute resolution or mediation training.

One reason is because they would like to understand the process of mediation more clearly. For interviewees who were familiar with the mediation process, they mentioned the need for a continuing education or refresher course in dispute resolution. (Approximately 9 of the 23 people from the University of Montana).

A second reason is that supervisors would like to have their staff trained in mediation. Once staff members were trained, the group, office, or department has a greater understanding of mediation and communication. In addition, many supervisors would like to have a staff member(s) trained to mediate. Supervisors are often not perceived as an impartial party as mediation requires. Many supervisors interviewed recognized this and felt that peer mediators could be more effective.

The 1993 University of Montana's ADA/504 Self-Evaluation recommends the development of a mediation process to "handle complaints that might otherwise be brought to formal grievance". The recommendation is made based on a

need for successful resolution of issues based on "confidentiality, consistency and fairness" (p. 7).

Existing Services

The University of Montana currently has several programs designed to resolve specific types of conflict and disputes. A mediation program would be parallel and interactive with these existing services. It would serve as a resource for some programs by providing training and mediation to organizational members. Also the mediation program would serve as a resource to which other groups would refer. Finally, for other programs, the mediation program would refer people to appropriate services such as the following.

ASUM Student Complaint Officer

The student complaint officer serves as an advocate for students involved in primarily student-faculty disputes. Conflicts are often based on perceptions of unfair grading or classroom behaviors. Other grounds for a complaint include failure of a faculty member or administrator to carry out his or her responsibilities, or failure of a faculty member or administrator to maintain a responsible, professional relationship with a student (Handbook for Resolving Complaints Against Faculty and Administration).

The officer is responsible for investigating complaints and advising students about possible courses of action. If the officer finds that the complaint deserves further action

and the student has attempted resolution, he or she will speak to the parties involved individually. At these meetings, the faculty or administrator's supervisor is present. If the dispute is not resolved at this step, the Student Complaint Committee (two faculty, two non-students, three students) determine appropriate action. A resolution may be the dismissal of the complaint, a warning letter, a formal reprimand, or a specific remedy.

The mediation program would work with this program in several ways. First, it would serve as a training resource for the student complaint officer. Fortunately the current officer and the previous complaint officer have had training and experience in conflict resolution and negotiation. Training for future officers will ensure that the program continues to function successfully. In addition, the mediation program offers refresher or continuing education to the present and future officers.

The office of Student Complaint Officer and a mediation program would benefit from integration of common goals. While a few cases presented to the Student Complaint Officer are currently determined to be outside the realm of services provided by the office, these disputes could be handled by a mediation program. A combined mediation program and complaint office would not only increase students' awareness of existing services but ensure that these services continued to provide qualified student advocates and

services.

ASUM Legal Services

University of Montana students may receive legal advice and services from ASUM Legal Services. Currently ASUM Legal Services does not provide mediation services. The mediation process is growing within the legal community and is often utilized by attorneys and even required by some judges. The ASUM legal services appears to have a similar attitude towards mediation; it can be beneficial to the legal process.

The mediation program would interact with this program in two ways. First, the program would offer mediation training to the legal advisors, or continue to expand on the knowledge gained from courses offered at the University of Montana Law School. The relationship between the two program would be reciprocal. Legal Services would add their knowledge and experience to the mediation program.

The mediation program would also serve as a referral resource. Currently ASUM Legal Services does not accept roommate conflict cases or complaints which would often advance to small claims court because of the court costs. Disputes such as these would be referred to the mediation program in an attempt to resolve the conflict prior to legal action. Students would then have the opportunity for resolution when outside legal services may prove to be too costly. Any information or agreements are inadmissible in

court if mediation is not successful. This guarantees both parties that mediation would not limit legal action if necessary.

University Grievance Procedures

Many of the ways that the mediation program would interact with existing grievance procedures were explained in the needs section. To summarize briefly, the mediation program adds structure and guidance to initial meetings between disputing parties. In addition the mediation program would offer training to the people involved in resolving grievances such as department chairs, deans, supervisors, union officers, and student officers. Increased awareness and understanding of alternative dispute resolution services would continue to benefit these parties as they are required to serve in mediation situations.

Finally, the mediation program removes the bind that some people experience when they are asked to serve as both mediator and later arbitrator. As mentioned before, the mediation program would assist in these situations by providing parties with the name of a trained, impartial third party to work with the parties. The director of the program would no longer need to serve as both the mediator and the judge.

Current Mediators

In interviews with three professional mediators from the University of Montana, there was strong support for a

mediation program. These people have served as mediators in the community as well as on campus and would serve as a resource for the mediation program by offering their own experience and knowledge to the program.

Objectives

Throughout the proposal, training and direct services have been mentioned several times. These are two main objectives for the proposed mediation program. First, a mediation program could serve as a training resource by providing workshops to various groups and individuals:

1. Staff and faculty.
2. Student groups such as Resident Assistants or Greek officers.
3. Department chairs, deans, directors.
4. Volunteer mediators.

Staff and faculty would benefit from both training and workshops on conflict resolution beyond specific requests for departmental training. During interviews, most supervisory staff people expressed an interest in furthering their understanding of conflict resolution at a deeper level. Workshops could be offered through programs such as staff development or separately.

Like faculty and staff groups, student groups would profit from workshops and training. Residential Life is presently requesting conflict resolution training for its Resident Assistant staff. Other groups such as sororities

and fraternities would benefit from officer training and/or workshops for Greek Council members. Other student groups such as these would have the opportunity to request and utilize services of the mediation program.

Department chairs, deans, and directors would be a third group to have the opportunity to participate in training and workshops. This group was included because of their role in both formal and informal grievance procedures. Each department or program supervisor is responsible for disputes between department members. Nine of the people interviewed mentioned the need for training to work with parties in dispute. Each year these department chairs, deans, and supervisors would have the opportunity to attend workshops designed specifically to address this need.

The final training mentioned is volunteer training. As a program designed to serve students, faculty, administration, and staff, volunteer mediators would also come from these groups. Volunteers would attend a specific training workshop, demonstrate proficiency and understanding of the mediation process, and commit to a year of service. Once selected, volunteers would mediate disputes received by the program director.

Students would mediate students' disputes. In disputes involving student(s) as well as faculty, staff, or administration, student mediators would co-mediate with a faculty, or staff mediator. Faculty, staff, and

administration disputes would be handled by a mediator from a faculty, staff, or administration position. Training would continue for volunteer mediators in workshops designed for peer feedback, continuing education and refresher issues.

The volunteers and director would be responsible for providing direct mediation services to parties in dispute. While mediation is less expensive than litigation or arbitration, hiring "outside" mediator versus trained volunteers from within the university is still costly. Based on figures from The University of Oregon Mediation Program's 1991-1992 budget request, mediators' rates in the community cost approximately \$75 to \$125/hour. The costs for training workshops are often higher ranging from \$800 to \$1500/day (based on estimates from William Wilmot, mediator).

Based on these figures, the cost of only one workshop for each of these groups would cost the University of Montana approximately \$2,400 to \$6,000 per day. One concern expressed by approximately one quarter of the people interviewed related to the cost of mediation. Several of these people feared that the University of Montana could not afford these outside mediation costs. The following sections outline a proposal to provide a greater range of services to more people and groups at less cost. The first section outlines staff considerations, followed by a

discussion of facilities. The last two sections cover advertising and a budget proposal.

Staffing

At the initial stages of mediation program development, staffing is simple. As the program grows, additional resources may become necessary. Since the proposed program is primarily staffed by volunteer mediators, there would be few paid positions.

Director

The director would initially be a part-time position. He or she must be a trained mediator. (The word trained is used because currently there are not certification standards for mediators.) The person must be able to work with a diverse group of people including students, administrators, faculty members, staff members, and union representatives.

The following guidelines are adapted from the Honolulu District School's selection committee as part of the screening process for a program coordinator (Araki & Takeshita, 1988). The guidelines are appropriate for the University of Montana and should be considered in the selection of the program director. The director must have as many of the following as possible:

- 1) Adequate experiences in working with students, administrators, staff and faculty members.
- 2) Adequate experiences with conflict management tasks in the university setting.

- 3) High credibility in the university.
- 4) Potential for growth in conflict management in higher education.

The director's responsibilities would include recruiting and training volunteers, providing feedback to volunteers, and conducting continuing-education workshops. He or she would also conduct workshops and training for the university community including but not limited to student groups, individuals, and departments. The director would be the coordinator and supervisor of resolution requests. He or she would be responsible for ensuring that requests are appointed a mediator who would be acceptable to both or all of the parties involved. Finally, he or she would be called upon to mediate or co-mediate in some situations. There will be times when the disputing parties may request the director's services because of the groups or issues involved.

As with most directors' positions, the job description is multi-faceted. Two interviewees from college mediation programs stated that their responsibilities included "everything" depending on the semester, existing needs, and program evolution.

The director's position has two options. It could be a professor whose course load is lessened and directs the program part-time. If not a professor from The University of Montana, a director may be hired from outside the

university community.

Advisory Board

An advisory board is strongly recommended for this program for several reasons. Since the University of Montana demonstrates an interest in and knowledge of dispute resolution already, there are groups who would be committed to a campus-wide mediation program. These groups, such as unions, legal services, and ASUM would offer input to the program. In addition an advisory board ensures that all groups' concerns are addressed and the program's objectives are clear and carried out. Another reason an advisory board is recommended is so that people with experience or knowledge are able to offer their service to the program in the role of advisor.

From the information gained during interviews, the following advisory board is recommended: one representative from the student body (undergraduate or graduate student), one representative from the law school, one from the faculty, one from staff, and one from the administration. These positions would change each year and would require members of the board to meet at least once each semester. Additional meetings may be required or requested as the need arises. The director will serve as a part of the board to represent the activities of the program and receive input from the board.

The advisory board has three main functions: 1) to

ensure that the mediation program is aware of campus needs and concerns, 2) to increase awareness of alternative dispute resolution, 3) to advise mediation administrators, and 4) to evaluate the program objectives.

Staff

The volunteer staff as discussed previously must be qualified to mediate by attending an initial training workshop and participating in follow-up workshops. A screening device must ensure that volunteers are both qualified and committed to the process of mediation. This could be accomplished in several ways. The program director could interview each candidate, require the completion of a examination/questionnaire, or simply evaluate students during training sessions prior to mediator selection.

Student volunteers (undergraduate, graduate) will be responsible for student disputes or co-mediation where students are involved. Faculty, staff, and administrators will mediate or co-mediate in disputes involving faculty, staff, or administrative parties. Mediators must be accepted by all the parties involved and may be selected from the program director's listing of available volunteers. A co-mediation model is strongly recommended for both mediator credibility and educational purposes. In Araki and Takeshita's (1988) study of the Honolulu School District's Dispute Management in the Schools Project, the researcher's report school mediators preferred a co-mediation model

because they would

1) have better control of the session, 2) be able to maintain their concentration better, and 3) be able to ask all the questions needed to raise all relevant issues involved in each case (p. 31).

Facilities

The recommended facilities are dependent upon who is hired as program director; from the campus or the non-campus community. If the director is currently a part of the campus, he or she has the necessary office space, telephone with voice mail, and a computer. If a director is not from campus, he or she will need a phone and office space on campus as well as a computer or computer access.

To ensure that the program and the director are clearly perceived as an impartial party in a dispute, it is important that the office space is in a neutral area. For example, it is not recommended that the program is viewed as either an administrative position or an advocate for a specific group such as students.

In addition to a neutral area, the program requires meeting or conference rooms where disputing parties are able to meet with a mediator and each other. These rooms may be public areas, not reserved for the mediation program alone, but they do need to be private and accessible to all groups of people. The University Center may be able to provide meeting rooms which could accommodate disputing parties

while also being accessible and private.

Advertising

One important consideration of introducing a mediation program to the campus community is creating an awareness of the services offered. Informal networking has been somewhat successful in the past. People are made aware of mediation as a form of alternative dispute resolution by word-of-mouth. The networks are created as people participant in a mediation situation or see the results of the process. These people serve as a resource as they encourage others to seek out and utilize mediation services.

This informal network has been growing without the existence of a formal mediation program and would continue to expand with its introduction. In addition, formal advertising is recommended. Letters and memoranda to potential clients such as department chairs, deans, program directors, and student groups would offer training and direct mediation services. Each semester, these groups would be notified about upcoming workshops as well as information regarding mediation. Advertisements in the campus paper each semester will make the community aware of the program and its resources. Larger advertisements would list workshops, training sessions, and service availability.

Posters would be posted in campus buildings advertising the program and offering services. These would be placed in meetings areas, public buildings, the University Center,

residential halls, and Greek houses. Brochures would also be available through department offices and other public places.

Budget and funding

The cost of the mediation program can be kept low considering the services it provides. As mentioned previously mediators in the community charge \$75 to \$125/hour during resolution sessions. In addition, training sessions can cost up to \$1500/day, making them unaffordable to many individuals and groups in the university community. By developing a in-house program, services can be offered to a broader group of people and conflicts can be resolved both efficiently and cost-effectively.

<u>Description</u>	<u>Budget</u>
Stipend Expenses:	
Director salary, 10 month position	\$20,350
Administrative Expenses:	
Telephone	\$ 550
Postage	\$ 50
Office Supplies	\$ 250
Printing and Duplicating	\$ 500
Advertising	<u>\$ 350</u>
TOTAL PROGRAM EXPENSE*	\$22,050

*Additional expenses may include computer access if necessary for the director.

Funding for this program would come from a variety of sources based on those the program serves. Funds could be available from ASUM for student services, and from the university budget planning requests. Grant funding is not recommended because of a need for long-term funding. Additional grant funding may be necessary for short-term goals and objectives such as specific training programs.

Conclusion

Based on the mission of the University of Montana, its needs, and existing services, a University of Montana Mediation Program would greatly benefit the campus. Eighteen of the twenty-three people interviewed from the University of Montana felt a strong need for a program either for the training or services it would provide. Several groups already request training workshops for their members. A centralized program would make these workshops more available, and affordable.

A mediation program would also enhance the University of Montana's existing services. The director and volunteer staff would provide training opportunities for officers, directors, and supervisors. They would also refer people to the existing services and accept referrals from other groups. This interaction helps to increase campus awareness of existing services and conflict resolution processes. As well as providing mediation services, the program would be a learning opportunity for those involved. The participants

have the opportunity to gain greater understanding of alternative dispute resolution.

A mediation program would instruct students, faculty, administrators, and staff members about conflict resolution skills. In addition, members of the university community could address research issues as well. In Araki and Takeshita's (1988) observation of Honolulu School District's conflict resolution programming, there were two general areas of research.

1. The development and testing of a model of dispute or conflict management in a school complex [or university setting].
2. The examination of basic questions about the nature of disputes or conflicts in the schools [or universities] (p. 33).

During the interviews there were some concerns regarding a mediation program. Some concerns focused on the funding aspect. As many people are aware, the cost of arbitration, litigation, and even outside mediation services are both costly in terms of fees but also the cost of time lost. An in-house mediation program would provide both training and services which the university currently hires from the outside. The benefits, time and money saved, would outweigh the costs of such a program as discussed in the budget section.

Another concern mentioned during interviews was the role of the mediation program in relation to other specific programs or procedures. The proposal has attempted to address many of these concerns implicitly. The goal of a mediation program is not to create disputes but to lessen win/lose situations. A mediation program would not replace but interact with existing grievance procedures and services creating a win/win situation.

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Appendix A

Table 1. Mediator Populations

Population	# of mediators working with the mediation program	# of schools***

Administration/Staff	5.6 mediators	n=17
Undergraduate Students	5.5 mediators	n=12
Graduate Students *	5.1 mediators	n=16
Other **	4.1 mediators	n=5
Faculty	2.9 mediators	n=11

* Includes only universities that use graduate students.

** Includes community members and, in one case, an official from the Department of Campus Security.

*** Indicates the number of schools with trained mediators from the specified population.

Table 1. Selected structural elements of sample population.

SCHOOL*	ADMINIS- TRATION	MEDIATOR POPULATION	SERVICE POPULATION**
1 New	Student Affairs	Undergrad.	Fac. Student.
2	Student Affairs	Ad. Fac. Grad. Undergrad.	Ad. Fac. Student. Community Off Campus.
3 New	Student Affairs	Ad.	Ad. Fac. Student.
4 New	Student Affairs	(Missing)	Ad. Fac. Student.
5	Student Affairs	Ad. Fac. Undergrad.	Student. Off Campus.
6	Student Affairs	Ad. Fac. Grad. Undergrad.	Ad. Fac. Student. Community. Off Campus.
7 New	Student Affairs	Ad. Fac. Grad. Undergrad.	Ad. Fac. Student. Off Campus.
8 New	Student Affairs	Ad. Fac. Grad.	Ad. Fac. Student. Community. Off Campus.
9	Student Affairs	Ad. Undergrad.	Student.
10 New	Student Affairs	Ad. Fac. Grad. Undergrad. Other.	Ad. Fac. Student. Community. Off Campus.
11	Student Affairs	Ad. Grad. Undergrad. Other.	Ad. Student.
12	Residential Life	Ad. Fac. Grad. Undergrad. Other.	Ad. Fac. Student. Off Campus.

13 New	Ombudsmen Office	Ad. Grad.	Ad. Fac. Student.
14	Housing Office	Ad. Grad. Undergrad.	Student. Off Campus.
15 New	Human Resources	Ad.	Ad. Fac. Student.
16 New	Human Resources	Ad. Fac. Grad. Undergrad. Other.	Ad. Fac. Student.
17 New	Chancellor's Office	Ad. Fac. Grad. Undergrad.	Ad. Fac. Student. Community. Off Campus.
18	President's Office	Ad. Fac. Grad. Other.	Ad. Fac. Student. Community. Off Campus.
19 New	Academic Department	Ad. Grad.	Ad. Fac. Student. Community. Off Campus.
20	Academic Department	Grad.	N/A

* New programs were within the first year of activity.

** The category of "community" includes parties not from the university. The category of "off campus" includes disputes in which at least one party was from the university community.

Appendix B

University Mediation Programs--Interviews

Brigham Young University	Provo, Utah
Carleton University	Ottawa, Ontario
Carnegie Mellon University	Pittsburg, Pennsylvania
Evergreen State College	Olympia, Washington
George Mason University	Fairfax, Virginia
Grinnell College	Grinnell, Iowa
Oberlin College	Oberlin, Ohio
Ohio State University	Columbus, Ohio
Pennsylvania State University	University Park, PA
Portland State University	Portland, Oregon
State University of New York	Albany, New York
Syracuse University	Syracuse, New York
Texas A & M	College Station, Texas
University of Manitoba	Winnipeg, Manitoba
University of Missouri	Columbia, Missouri
University of Nevada	Reno, Nevada
University of North Dakota	Grand Forks, North Dakota
University of Tennessee	Knoxville, Tennessee
University of Texas	San Antonio, Texas
Washington State University	Pullman, Washington

University Mediation Programs

Not Interviewed

Boise State University	Boise, Idaho
University of Minnesota	St. Paul, Minnesota
University of Oregon	Eugene, Oregon

Appendix C

Questionnaire

Hello, may I speak to _____ ? My name is Heather Henderson and I am a graduate student at The University of Montana. As part of my master's degree, I am doing a study of campus mediation and dispute resolution programs and would like to speak to you about the program at _____. The interview should take about 25 minutes. Would this be a good time or would you prefer I call at a later time?

[No] Is there another time when I could call you back?

[No] Is there somebody else I could speak with?

[No] Thank you.

[Yes] When are you available for an interview?

[Yes] Thank you. This survey is part of my project to develop a mediation program in Montana. First I would like to get information about the structure and characteristics of your program. If any questions are unclear, please ask me to clarify or repeat, ok?

1. What is the total enrollment at _____?

To make sure we are talking about the same type of mediation...I am specifically examining programs which provide or oversee neutral, third party intervention in conflict resolution for faculty, students, or university staff.

2. Does this definition describe dispute resolution services at

_____?

_____ [Yes] Go to question 3.

_____ [No] Please describe these services at _____?

If program is not "mediation" end interview.

3. What is the title of the mediation program?

4. What is your title or position with the program?

I would like to examine the structure of _____'s mediation services some more.

5. First, what office or part of campus administers the mediation services at _____?

IF PERSON'S TITLE IS DIRECTOR, GO TO QUESTION 8

7. Is there a director of _____'s program?

_____ [Yes] Go to question 8.

_____ [No] Who is responsible for the program then?

8. What are the director's responsibilities?

9. Is the director's position full or part time?

_____1. Full

_____2. Part

10. Approximately how many disputes are referred to your office for mediation per year?

PROBE: How has the number of cases changed since the program was initiated?

11. Of the following, which groups does the program provide mediation for?

_____1. Students

_____2. Faculty

_____3. Administration

_____4. Off campus groups where students, faculty
or staff are involved

_____5. Community groups

12. What types of disputes does the program mediate?

_____1. Academic subjects

_____2. Sexual harassment

_____3. Personal

_____4. Divorce/Family

_____5. Student groups

_____6. Workplace

_____7. Other. Explain:

13. Approximately, how many people in the following areas currently conduct mediation through your program?

- _____ 1. Administration/staff
- _____ 2. Faculty
- _____ 3. Graduate Students
- _____ 4. Undergraduate Students
- _____ 5. Other, please explain.

14. How many paid staff members are there including faculty, administration, and staff with release time from other activities?

- _____ 1. < 5
- _____ 2. 6-10
- _____ 3. 11-15
- _____ 4. > 16

15. Does your program use student interns as mediators?

- _____ [Yes] Approximately how many? _____
- _____ [No] Go to question 16.

16. Does _____'s program incorporate volunteer mediators (other than student interns)?

- _____ [Yes]
- _____ [No] If the program includes neither interns nor volunteers, go to question 19.

17. How are interns and/or volunteers selected?

Next, I would like to ask you about training for mediation staff and volunteers.

18. Do you provide training for mediators in your program?

_____1. [Yes] -

_____2. [No] Go to question 22

19. How are people initially trained?

20. Is there follow-up training for mediators?

21. Who does the training?

22. How do you evaluate the effectiveness of mediators?

23. Does your program provide training or workshops on dispute resolution to groups or individuals other than your own mediators?

_____ [Yes] To what groups or individuals?

_____1. Administration/Staff

_____2. Faculty

_____3. Students

_____4. Members of the community

_____ [No] Go to question 27.

24. Is there a charge for that training?

_____1. Yes

_____2. No

25. In the past year, how many training sessions were conducted for these groups or individuals? _____

26. Who does the training?

27. Have you evaluated the overall effectiveness of your program?

_____ [Yes] Would you please describe your
evaluation?

_____ [No] Go to question 28.

I would like to now ask you some questions about how your program is funded.

28. Is there a fee for mediation or dispute resolution services?

_____ [Yes] What is the fee used for/what does it
cover?

_____ [No] Go to question 29.

29. Approximately what percentage of _____'s support comes from the following areas?

- _____1. Grants
- _____2. Fees for Services
- _____3. Student government funding
- _____4. General university funds
- _____5. Academic department
- _____6. Non-academic department
- _____7. Other, please explain:

I am interested in ways programs such as yours have evolved since their initiation.

30. Who initiated _____'s program?

31. Has the program changed since it was initiated in any of the following areas? (ALSO INCLUDE HOW...)

- _____1. Administrative structure
- _____2. Types of cases mediated?
- _____3. Groups served by the program?
- _____4. Funding?

The next questions are a little more general.

32. In what ways do you think your program has been successful?

33. What is the biggest challenge your program faces?

34. How would you describe the overall campus support of the mediation services in terms of each of the following groups?

Administration:

Community:

Faculty:

Students:

35. Do you know of other mediation or conflict resolution programs similar to _____'s program?

[Yes] Where? Do you know who I could contact about this program?

36. Are there any other comments you would like to include or questions you would like to ask me?

Thank you for your time. If you would like, a copy of these results can be made available. (Get address if interviewee wants the results)